

REMARKS

Applicants respectfully thank the Examiner for the interview of December 7, 2005.

In the Final Office Action, the Examiner objected the drawings under 37 CFR 1.83(a), stating that the drawings fail to show every feature of the invention specified in the claims; rejected claims 37-40 and 47-51 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention; and rejected claim 36 under 35 U.S.C. § 103(a) as being unpatentable over JP 09-77436 ("JP '436") in view of U.S. Patent No. 3,982,718 to Folkenroth et al. ("Folkenroth").

Applicants gratefully acknowledge the Examiner's indication of allowable subject matter in claims 37-40 and 47-51 (if rewritten to overcome the rejection under 35 U.S.C. § 112, second paragraph) and in claims 41-46 (if rewritten in the independent form).

Applicants propose amending claim 36 to more appropriately define the invention. Upon entry of these amendments, claims 36-51 will remain pending in the application.

Applicants address the Examiner's objections and claim rejections as follows.

Regarding the 37 CFR 1.83(a) objection

In the Final Office Action, the Examiner alleged that the drawings do not show that the "outer surfaces of said covers and outer surfaces of the upper cage and lower cage are connected to each other without a difference in level between surfaces" as recited in claim 36. Final Office Action, p. 2. Applicants respectfully disagree. However, to provide even greater clarity, claim 36 is now amended to recite "the covers

and the cages are connected such that, at the point of connection, the outer surfaces of the covers and the cages are in the same plane" (emphasis added).

Accordingly, Applicants respectfully request the Examiner withdraw the objection under 37 CFR 1.83(a).

Regarding the 35 U.S.C. § 112 rejection

In the Final Office Action, the Examiner rejected claims 37-40 and 47-51 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. The Examiner alleged that:

[t]he limitation "a second portion extending from a lower end of the first portion and curving into said space" as recited in claim 37, lines 4-5, renders the claim indefinite because "curving into said space" contradicts with the limitation "outer surfaces of said covers and outer surfaces of the upper cage and lower cage are connected to each other without a difference in level between surfaces" of claim 36.

Final Office Action, at p. 3.

Applicants respectfully submit that these claims, as amended, are not indefinite. The fact that a cover has a second portion curving into the space between the upper cage and the lower cage does not contradict the claim limitation that "the covers and the cages are connected such that, at the point of connection, the outer surfaces of the covers and the cages are in the same plane."

As a result, Applicants respectfully request the Examiner withdraw the rejection under 35 U.S.C. § 112, second paragraph, and allow claims 37-40 and 47-51.

Regarding the 35 U.S.C. § 103(a) rejection

In the Final Office Action, the Examiner maintained that claim 36 is unpatentable under 35 U.S.C. § 103(a) over JP '436 in view of Folkenroth. Applicants respectfully

submit that amended claim 36 is allowable under 35 U.S.C. § 103(a) over JP '436 and Folkenroth, because the references fail to establish a *prima facie* case of obviousness

To establish a *prima facie* case of obviousness, three basic criteria must be met.

First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

M.P.E.P. § 2143 (8th ed., revised on Aug. 2005) (emphasis added).

The cited references, taken alone or in combination, fail to teach or suggest each and every element of claim 36. Amended claim 36 recites, for example, "covers positioned so as to cover a space between the upper cage and the lower cage at a doorside, two lateral sides, and a backside of the space, wherein the covers and the cages are connected such that, at the point of connection, the outer surfaces of the covers and the cages are in the same plane" (emphasis added).

JP '436 does not teach or suggest at least this element of amended claim 36. Even the Examiner acknowledges that "JP '436 does not disclose a cover for the space between the upper and lower cages," as recited in claim 36. Final Office Action, at p. 3.

In addition, Folkenroth fails to cure the deficiencies of JP '436. Specifically, Folkenroth discloses an operatory chair with a pair of sets of pivotally connected links arranged in lazy tong manner, but the flexible cover 102 in Folkenroth is not "positioned so as to cover a space between the upper cage and the lower cage," as recited in claim 36. Furthermore, the flexible cover 102 in Folkenroth is of "an accordian type," which is "expansible and contractable vertically." col. 7, lines 22-23. Therefore, Folkenroth fails to teach or suggest at least the element "wherein the covers and the cages are

connected such that, at the point of connection, the outer surfaces of the covers and the cages are in the same plane" (emphasis added). As the flexible cover 102 of Folkenroth moves, it expands and contracts, so that its outer surfaces cannot be connected to outer surfaces of supporting plate 10 and the upper edge of shroud 106 such that, at the point of connection, the outer surfaces are in the same plane. col. 7, ll. 25-27 & 40-43; see also Figs. 1 & 3.

Accordingly, Folkenroth fails to teach or suggest at least "covers positioned so as to cover a space between the upper cage and the lower cage at a doorside, two lateral sides, and a backside of the space, wherein the covers and the cages are connected such that, at the point of connection, the outer surfaces of the covers and the cages are in the same plane," as recited in amended claim 36 (emphasis added).

In view of the above, JP '436 and Folkenroth, taken alone or in combination, fail to teach or suggest each and every element of amended claim 36. At least on this basis, amended claim 36 is allowable over JP '436 and Folkenroth.

Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully requests reconsideration and reexamination of this application and the allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

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By: 
Lei Mei
Reg. No. 56,913